
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Andrew LeGrega)	
)	
Vessel: "Beach Comber")	
Documentation Number: 521885)	File No. EB-FIELDWR-13-00010290
)	NOV No. V201332940019
San Diego, California)	
)	
)	

NOTICE OF VIOLATION

Released: August 7, 2013

By the District Director, San Diego District Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to the Andrew LeGrega, registered owner of vessel "Beach Comber," Documentation Number 521885, Port of San Diego, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On July 27, 2013, the Enforcement Bureau's San Diego Office received an interference complaint from the United States Coast Guard (USCG), San Diego Sector, regarding continuous interference of a radio signal, with no audio, radiating on VHF Marine Channel 16, on 156.800 MHz. This signal was causing harmful interference to Channel 16, the international radiotelephone distress, urgency, safety, and calling frequency used by the USCG. Using radio direction finding techniques, a San Diego Office agent traced the interfering signal to the vessel "Beach Comber." This continuous transmission was in violation of the following:

- a. 47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communication." The VHF marine radio transmitter installed on vessel "Beach Comber" was transmitting a continuous carrier with

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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no audio on Marine Channel 16, radiating a continuous carrier on frequency 156.800 MHz.

- b. 47 C.F.R. § 80.89(d): “Stations must not use telephony, transmit signals or communications not addressed to particular a station or stations...” The Beach Comber’s VHF radio was continuously transmitting a signal, with no audio.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Andrew LeGrega, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Rules, we direct Andrew LeGrega, to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Andrew LeGrega, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the regulatee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

³ 47 U.S.C. § 308(b).

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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San Diego District Office
4542 Ruffner Street, #370
San Diego, CA 92111

6. This Notice shall be sent to Andrew LeGrega, at his address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James T. Lyon
District Director
San Diego District Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).